

# UNITED STATES DISTRICT COURT

for

NORTHERN DISTRICT OF CALIFORNIA

San Francisco Venue

---

---

## Report on Offender Under Supervision

---

---

Name of Offender: Robert John McCarthy Docket No.: CR 05-0410-01 CRB

Name of Sentencing Judge: The Honorable William B. Shubb  
United States District Judge  
Sacramento, California

Date of Original Sentence: March 23, 2005

**Original Offense:**

Count One: Mail Fraud, 18 U.S.C. § 1341, a Class D felony

Count Two: Mail Fraud, 18 U.S.C. § 1341, a Class D felony

Count Three: Mail Fraud, 18 U.S.C. § 1341, a Class D felony

Count Four: Mail Fraud, 18 U.S.C. § 1341, a Class C felony

Original Sentence: Four years probation on Counts One, Two, Three and Four, to run concurrent  
Special Conditions: Special assessment \$400; restitution \$8,652; drug/alcohol treatment; no alcohol;  
mental health treatment; access to financial information; no new lines of credit or debt; search.

On June 17, 2005, jurisdiction was transferred from the Eastern District of California to the Northern District of California, and assigned to the Honorable Charles R. Breyer.

On March 8, 2006, Your Honor suspended the drug testing condition in this case.

Type of Supervision: Probation  
Assistant U.S. Attorney: Robert Rees

Date Supervision Commenced: March 23, 2005  
Defense Counsel: Ronald Tyler (AFPD)

---

---

Robert John McCarthy  
CR 05-0410-01 CRB

Page 2

### **Petitioning the Court to Take Judicial Notice**

#### **Cause**

Charge NumberViolation

One

There is probable cause to believe that the offender violated the Court's order to pay a \$400.00 special assessment and \$8,652.00 in restitution.

Mr. McCarthy has been on probation for three years and ten months of a four year term, and has only been able to pay a total of \$170.00 toward his special assessment balance, which remains at \$230.00. He has not paid anything toward his restitution balance, which remains at \$8,652.00. Evidence of the alleged violation is available through a review of the payment history in this case, obtained through the Clerk's office.

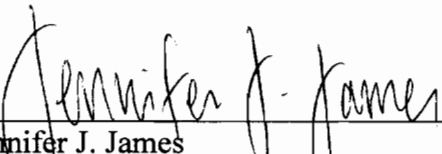
#### **Action Taken and Reason**

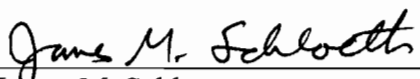
Mr. McCarthy is a 60-year-old man who suffers from a degenerative spine disorder. He receives \$907.00 per month in Supplemental Security Income (SSI) and is unemployed, although he has made significant efforts (albeit unsuccessful) to locate part-time employment to supplement his limited income. He has consistently made payments of \$5.00 per month toward his special assessment and restitution balances, but unfortunately, this has only resulted in a total payment of \$170.00, which has been credited toward his special assessment balance. Although he continues to owe his entire restitution balance in full, restitution will remain due and owing as collectible by law once his term of supervision expires. Collection responsibilities will be assumed by the Financial Litigation Unit of the U.S. Attorney's Office. In light of the above, it is respectfully recommended that his term of supervision be allowed to expire on March 22, 2009, with restitution outstanding.

The Assistant U.S. Attorney has been notified and there are no objections.

Respectfully submitted,

Reviewed by:

  
Jennifer J. James  
U.S. Probation Officer Specialist

  
James M. Schloetter  
Supervisory U.S. Probation Officer

Date Signed: February 3, 2009

Robert John McCarthy  
CR 05-0410-01 CRB

Page 3

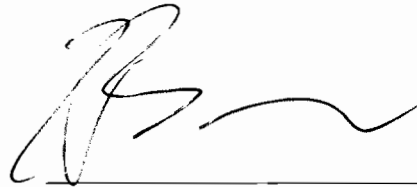
---

THE COURT ORDERS:

- ☒ The Court concurs and takes judicial notice
- ☐ Submit a request to modify supervision
- ☐ Submit a request for warrant
- ☐ Submit a request for summons
- ☐ Other:

Date

*Feb. 04, 2008*



Charles R. Breyer  
United States District Judge